



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Honorable Jim Jontz
United States House of Representatives
302 East Lincolnway
Valparaiso, Indiana 46383

Dear Congressman Jontz:

Thank you for your May 16, 1991 letter to the Environmental Protection Agency (EPA) concerning whether an underground storage tank (UST) owned by one of your constituents, Mr. John Womer, is exempt from EPA regulations addressing USTs under Subtitle I of the Resource Conservation and Recovery Act (RCRA). Apparently Mr. Womer owns a 550 gallon UST storing gasoline that is used to support his nursery and landscaping business in Porter County, Indiana.

The exclusion referred to by Mr. Womer is found in the Federal statutory definition of underground storage tank, which does not include any "farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes". Generally, this "farm tank" exclusion applies to such USTs located at nurseries where the products for retail stores, garden centers, or landscaping businesses are grown and the fuel is used for that agricultural purpose. Mr. Womer's letter provides an assurance that the fuel is not sold commercially. Thus, the tank described in his January 12, 1991 letter appears to be a farm tank and not subject to EPA's UST regulations.

It is unfortunate that Mr. Womer's initial letter was lost. Apparently, he sent it to a publications office at a separate address and it was never forwarded to the Office of Underground Storage Tanks. I hope this response satisfies his concerns.

Sincerely,

/s/

David W. Ziegele, Acting Director
Office of Underground Storage Tanks